



K. Turner

Decision

Matter of: GF Office Furniture Ltd.

File: B-240076

Date: June 29, 1990

A. H. Brogan for the protester.
Linda C. Glass, Esq., and Michael A. Golden Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

The General Accounting Office has no authority to consider,
let alone issue, a stay of a reprourement pending the
outcome of the protester's appeal of a termination of
default of its original contract.

DECISION

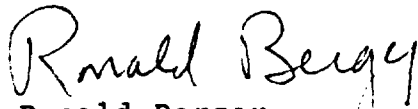
GF Office Furniture, Ltd. protests the reprourement of
office furniture by the Agricultural Stabilization and
Conservation Service, United States Department of
Agriculture (USDA). These services are being reprocured
because USDA terminated for default GF's original delivery
order No. 40-KC72-9-00267 for this furniture on April 2,
1990. Once the default action was taken, GF filed an appeal
with the USDA Board of Contract Appeals. We understand that
GF's appeal is still pending with the Board. GF's only
ground of protest is that it is allegedly unfair for the
USDA to proceed with a reprourement action while GF's
appeal is pending before the Board.

GF's protest, in effect, is a request that our Office stay
the procurement pending the Board's decision on GF's appeal.
We have no jurisdiction to consider, let alone issue, the
requested stay. National Medical Staffing, Inc., B-239262,
May 24, 1990, 90-1 CPD ¶ ____; Air, Inc.--Recon., B-218179.2,
Apr. 10, 1985, 85-1 CPD ¶ 409. In addition, we are not
aware of any statutory or regulatory provision which

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precludes an agency from proceeding with a reprocurement during the pendency of an appeal of contract termination.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger
Associate General Counsel